



WEB COPY

CRP No. 1938 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-07-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP No. 1938 of 2025

AND

CMP NO. 11073 OF 2025

1. M.Vimal Raj
12th Street, Sathiyavani Muthu nagar,
Ennore, Chennai-600 057

Petitioner

Vs

1. K.Nagarajan
No.2, Thirukural Street, Tambaram,
Chennai-600 073

2.United India Insurance Co. Ltd.,
Motor third Party Claims,134, Greams
Road, Silingi Building, chennai-600
006

Respondents

PRAYER

The Civil Revision Petition is filed under Article 227 of the Consitution of India, praying to set aside the order passed in MP.NO.6/2024 dated 01-03-2025 in MACTOP.No.2864/2012 on the file of the 1st Special Judge, MACT, Chennai



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For Petitioner: M/s.K.Malaikannu

For Respondents: No appearance

ORDER

The claimant is the revision petitioner. The claimant filed an application in M.P. No.6 of 2024 in M.A.C.T.O.P. No.2864 of 2012 before the Motor Accidents Claims Tribunal, seeking compensation for the injuries sustained in a motor accident.

2.After examination of the petitioner by the Medical Board, the doctor representing the Medical Board has been examined as P.W.2. In his cross-examination, the said doctor has stated that certain relevant tests have not been conducted and the best person to answer if the claimant's brain is affected is only a neurosurgeon. PW.2 who has been examined in respect of the report of the Medical Board has also stated that the disability caused on account of the head injury and the fixing of the mesh has not been addressed in the Medical Board. It is also admitted that no neurologist is a member of the medical board.

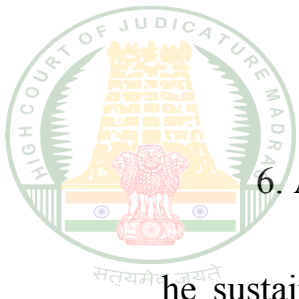


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3. In the light of the above admissions of the said doctor, the claimant has filed the application seeking reference to a different Medical Board since the disability arrived at by the Medical Board Stanley Hospital at 3% is totally erroneous and without factoring all relevant considerations. The said application came to be dismissed by the Tribunal on the ground that the claimant had submitted himself for examination before the Board, and the Member of the Board had been examined as PW.2 and had also been elaborately cross-examined by the claimant.

4. The learned counsel for the petitioner states that the said finding of the tribunal is unsustainable and moreover the disability of 3% arrived at is totally unjust and inappropriate. He would refer to the admission of PW.2 in his cross-examination and contend that the matter warranted a fresh medical board report to be made available to the tribunal, in order for the tribunal to arrive at a correct decision.

5. I have carefully considered the submissions of the learned counsel for the petitioner. There is no appearance on the side of the respondents.



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6. Admittedly the petitioner suffered disability in a motor accident, when he sustained a head injury and also a fracture of the skull. It is the specific contention of the petitioner that he has been taking treatment continuously ever since the accident, and even after a lapse of 8 years since the accident, he had to undergo a major procedure wherein mesh has been fixed in his skull, and the disability certificate that has been issued in Ex.C1 and which is sought to be supported by PW.2, a member of the medical board, is totally inappropriate, unfair and not considering any of the relevant factors that would go into deciding the disability suffered by the claimant.

7. In the light of the admission of PW.2 that certain important tests have not been conducted and a neurosurgeon would be the appropriate person to address the damage to the brain, who is also not a member of the Board, I find force in the submissions of the learned counsel for the petitioner. The petitioner would have to be subjected to a fresh investigation by a different medical board, other than the medical board before whom he had already presented himself earlier, namely Stanley Medical Hospital, Chennai.

8. The Motor Vehicles Act is a beneficial legislation with laudable



objects to ensure that the victims of the motor accidents are given fair and just compensation. Therefore, technical considerations should not get in the way of adjudicating compensation claims.

9. In the present case, the tribunal has disallowed the request of the claimant only on the ground that the doctor who has been part of the medical board has already been examined. The tribunal has not noticed the vital admissions made by PW.2 in cross-examination, and if the evidence of PW.2 had been properly appreciated, the tribunal ought to have entertained the request for requiring a fresh report from a Medical Board, other than Stanley Medical Hospital, Chennai. In the light of the above, I am inclined to set aside the order of the Motor Accidents Claims Tribunal (Special Sub Court No. 1, Motor Accidents Claims Petitions) Small Causes Court, Chennai.

In the result,

- (i) The present Civil Revision Petition is **allowed**. The order passed in [MP.NO.6/2024](#) dated 01-03-2025 in [MACTOP.No.2864/2012](#) on the file of the 1st Special Judge, MACT, Chennai, is set aside. Consequently, the application filed by the petitioner in M.P. No.6 of 2024 in M.A.C.T.O.P. No.2864 of 2012 is allowed.
- (ii) The petitioner shall subject himself to medical examination by



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the Medical Board of Rajiv Gandhi Government General Hospital (RGGGH) or Kilpauk Medical College Hospital, and the report of the said Medical Board shall be forwarded to the Motor Accidents Claims Tribunal (Special Sub Court No.1, Motor Accidents Claims Petitions) Small Causes Court, Chennai. The said report shall be read along with the report of the Stanley Medical Board and the evidence of PW.2, at the time of final adjudication of the MCOP.

- (iii) The Medical Board which is examining the claimant shall carry out an independent exercise and shall not have the benefit of the report of the Stanley Government Hospital Medical Board.
- (iv) Suitable directions shall be issued by the Motor Accidents Claims Tribunal (Special Sub Court No.1, Motor Accidents Claims Petitions) Small Causes Court, Chennai, in the light of the above directions.
- (v) There shall be no order as to costs.
- (vi) The connected miscellaneous petition is closed.

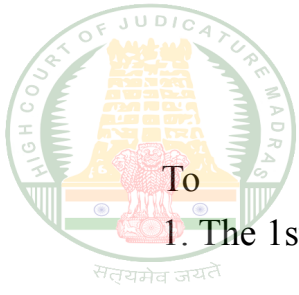
23-07-2025

jrs

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No



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To

1. The 1st Special Judge, MACT, Chennai.

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P.B.BALAJI J.

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